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1644  
Attorney Docket No. 23254-501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Holgersson et al.

SERIAL NUMBER: 09/194,396

EXAMINER: Gerald Ewoldt, Ph.D.

FILING DATE: December 8, 1998

ART UNIT: 1644

FOR: ANTIGENIC-FUSIONPROTEIN CARRYING GAL $\alpha$  1,3GAL EPITOPES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Boston, Massachusetts  
January 28, 2004

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TRANSMITTAL LETTER

FEB 03 2004

Transmitted herewith for filing in the present application are the following documents: TECH CENTER 1600/2900

- ☒ Copy of Notice of Non-Compliant Amendment (1 pg.);
- ☒ Response to Notice of Non-Compliance Amendment Under 37 C.F.R. § 1.121 (1 pg.);
- ☒ Supplemental Amendment (5 pgs.);
- ☒ Return postcard.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 23254-501). A duplicate copy of this Petition is enclosed.

Respectfully submitted,

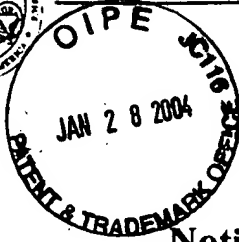
*for. Dr. R. Elrifi* Reg. No. 39,529  
*for. Cynthia A. Kozakiewicz* Reg. No. 42,764  
Attorney for Applicants  
c/o MINTZ LEVIN  
Tel.: (617) 542-6000  
Fax: (617) 542-2241

Customer No. 30623



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/19/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

## THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 26 has been amended to depend on Claim 21 without showing said amendment/change on the claim.

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)

*S. E. Woldt*  
1/20/04  
G.R. EWOLDT, PH.D.  
PRIMARY EXAMINER



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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R. §1.121

This response is submitted in response to the Notice of Non-Compliant Amendment, mailed January 20, 2004 in the above-identified application. Applicants submit herewith a Supplemental Amendment to the Amendment and Response to November 13, 2003 Advisory Action timely filed on November 19, 2003, incorporating a compliant marked-up version of the amended claims under 37 C.F.R. §1.121.

Applicants believe no additional fees are due in connection with this filing. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 23254-501.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

for *[Signature]* Reg. No. 53,097  
for R. Elrifi, Reg. No. 39,529

Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicant  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542 6000  
Fax: (617) 542 2241  
Customer No. 30623

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SUPPLEMENTAL AMENDMENT

This paper is submitted in response to the Notice of Noncompliant Amendment mailed January 20, 2004, and in further response to the Advisory Action mailed November 13, 2003 in the above-identified application. Applicants believe that no fees are due in connection with the timely filing of this response. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 23254-501.

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.